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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.R. No. 2361 of 2007
Date of Decision : May 03, 2007

Parkash Kaur and another.

... Petitioners

Versus

Smt. Kartar Kaur and others.

.. Respondents

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri B.S.Mittal, Advocate,
for the petitioners.

PRITAM PAL , J.

This revision petition, by some of the plaintiffs, under Article 227 of the Constitution of India, is directed against order dated 7.2.2007 (Annexure P/2) whereby, the learned trial Court had given an opportunity to re-examine one Kundan Singh, an attesting witness of a Will dated 2.9.2000, on 7.2.2007 in terms of orders dated 17.10.2006 (Annexure P/1) passed by this Court, but the plaintiffs-petitioners failed to comply with the directions given in the said order, and as such the case was adjourned for rebuttal evidence, if any and arguments; and also against order dated 28.3.2007 (Annexure P/4) vide which, the application moved by petitioner No.2, for re-calling the said order (Annexure P/2) has been dismissed.

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A perusal of the file and the aforesaid two impugned orders goes a long-way to show that the petitioners were granted one opportunity by this Court for re-examining Kundan Singh on payment of costs of Rs.1000/-. On the date fixed by the trial court, for the re-examination of the aforesaid witness, the petitioners failed to make the payment of costs and also could not produce the aforesaid witness, namely, Kundan Singh, for his re-examination.

In this view of the matter, the learned trial court had no option but to pass the impugned order. In the given facts and circumstances, no interference is called for in the impugned orders, while exercising the extra ordinary powers under Article 227 of the Constitution of India.

Dismissed *in limine.*

[PRITAM PAL]
JUDGE

May 3, 2007.
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